



UNITED STATES DEPARTMENT OF COMMERCE  
National Institute of Standards and Technology  
Gaithersburg, Maryland 20899-

Urgent

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August 18, 2005

To: ✓ Division of FDA Dockets Management  
Fax: 301 827 6870

Robert Post, Director  
Labeling and Consumer Protection Staff  
USDA  
Fax: 202 205 3625

Ref: Docket Number 1995N-0294  
RIN 0910-AC54

Re: Food Standards; General Principles and Food Standards Modernization;  
Comments on Proposed rule  
Closing date: August 18, 2005

The U.S. Department of Commerce, National Institute of Standards and Technology, National Center for Standards and Certification Information (the U.S. WTO TBT Enquiry Point) is submitting the enclosed comments, for consideration, from the China WTO/TBT National Notification Center, Standard and Regulations Researching Center, AQSIQ.

Thank you!

Regards,  
Brenda Umberger 

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Enclosure: 3 pages

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**Comments of China on USA Notification G/TBT/N/USA/119**

Food Standards; General Principles and Food Standards Modernization

Dear Sir or Madam,

Enclosed please find the comments of China on the United States' notification circulated by WTO as follows:

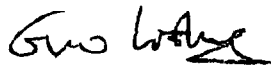
G/TBT/N/USA/119      Food Standards; General Principles and Food Standards  
Modernization (Foods for human consumption in the United  
States, except for meat, poultry and egg products)

The comments are in English and Chinese.

Please acknowledge receipt of the comments by e-mail to [tbt@aqsiq.gov.cn](mailto:tbt@aqsiq.gov.cn).

Thank you very much in advance for your consideration of our comments.

Best regards



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## Comments of China on USA Notification G/TBT/N/USA/119

### Food Standards; General Principles and Food Standards Modernization

We would like to thank the United States of America for providing the opportunity to comment on G/TBT/N/USA/119. The comments from China are the following:

China would like to give a positive comment on the proposal of FSIS and FDA for establishing a set of general principles for food standards. As Notification USA/119 only describes the conception of FSIS and FDA on establishing the general principles and questing public comments, China would prefer to see the more specific and detailed principles proposed by both agencies (FSIS and FDA) for further reviewing and discussion. With respect to this proposal, we believe that:

1. From the view of protecting the interests of consumers, adapting to the development in today's food production technologies and encouraging consistence with international standards, to establish a set of general principles has its positive effects. However, there should be a gradual process for the establishment, revision and withdrawal of a standard, as well as sufficient time for gradual revision and transition of the existing food standards in accordance with the specific situations. Furthermore, food manufacturers and importers should be given a proper transitional period to have time for adaptation to such changes. China hope that general principles issued in future should present the gradualness, facilitate protecting the interests of consumers, producers and importers, and avoid new obstacles to trade.
2. Despite the consensus of FSIS and FDA on the purpose of and measures for the establishment, revision and elimination of the food standards, Notification 119 indicates there still exist inconsistencies between the two agencies with regard to some of the measures. We suggest that the general principles enacted in future should be free from inconsistencies.
3. While advocating "flexibility" of food standards to encourage the development and utilization of new food technologies, emphasis should be given to standards for naming new foods in a simple and clear way, focusing on key features of products, eliminating unnecessary requirements and treating imported foods with same principles as those for domestic products.
4. It is suggested that, in the general principles for the establishment, revision and withdrawal of food standards, additional principles on the management of imported food or food with non-standard names be established to avoid unnecessary trade barriers due to inconsistencies between the standards of imported foods and domestic foods.
5. We hope that the principles, procedures and criteria for the establishment, revision and withdrawal of food standards in the "general principles" to be enacted would be more transparent and operational.
6. With regard to "Regulatory Option", we prefer Option Four, i.e., to establish principles for assessing standards (only). This would minimize the cost of the

establishment of the principles and allow gradual processes for revising and withdrawing existing standards as well as establishing new ones.

Comments in Chinese are as below:

中方积极评价美国 FSIS 和 FDA 提出的关于制定食品标准一般准则的提案。由于 119 号通报仅仅是阐述了 FSIS 和 FDA 关于制定一般准则的构想和征求公众的评议意见, 中方更愿意看到两个机构 (FSIS 和 FDA) 更为详细而具体的准则, 以便更深入的研究和讨论。对于该提案, 中方认为:

1. 从保护消费者利益, 适应当前食品生产技术的进步, 促进与国际标准保持一致等方面看, 制定一套通用的准则有其积极作用。但制订、修订、撤销标准应该有一个渐进的过程, 要有充分的时间, 对原有的食品标准应根据具体情况, 逐步修正过渡, 并给出适当的过渡期, 使食品制造商及进口商有时间适应这种变化情况。中方希望今后出台的一般准则, 应体现食品标准的渐进性, 应有利于保护消费者、保护食品制造商及进口商的利益, 而不至于形成新的贸易障碍。

2. FSIS 和 FDA 在关于食品标准的制定、修订和撤销的目的和措施方面虽然已经有了许多共识, 但 119 通报中仍然反映出两个机构在某些措施上有不协同的地方。中方认为今后出台的一般准则, 应该是一部完全一致的准则。

3. 在提倡食品标准“灵活性”, 鼓励食品新技术的开发和利用时, 强调对这些新食品名称的命名标准应简单明了, 抓住食品的主要基本特征, 去掉不必要的要求, 并以同一原则对待进口产品。

4. 在制订、修订或撤销食品标准的一般准则中, 建议增加制定对进口食品或非标准名称的食品的管理准则, 以避免因进口食品与美国本国食品之间有差异及标准不一致而造成不必要的贸易障碍。

5. 对今后出台的“一般准则”, 中方希望对食品标准制定、修订和撤销的原则、程序和规范力求具有更透明性和可操作性。

6. 对“法规制定可选择方案”, 中方倾向于方案 4, 即制定 (仅) 有关评定标准的准则。这样制订准则的成本是最低的, 对修订、撤销和制订新标准的工作也是稳步渐进的。